

### **REMARKS**

Claims 1, 3, 5 and 6 are pending and under consideration in the above-identified application. Claim 2 was cancelled previously.

In the Office Action dated September 28, 2010, the Examiner rejected claims 1, 3, 5 and 6.

With this Amendment claims 1 and 5 were Amended. No new matter has been added as a result of the Amendment.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagura et al. (JP 2002 373643) (“JP ‘643”) in view of either Yamaura (U.S. Patent No. 4,668,594), Takada (U.S. Patent No. 5,958,281) or Mohwald (U.S. Patent No. 6,475,663).

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagura et al. in view of either Hisashi et al., Fujimoto et al., Park et al. or Masaki et al.

Applicant respectfully traverses each of the above listed rejections.

Independent claim 1 requires a mixture of an inorganic compound and a carbonaceous material on substantially the entire surface of the base particles. As such, the claims require a coating made up of a mixture of two components.

JP ‘643 teaches an active material that is covered with a coating that consists of three components, (1) a lithium ion conductivity polymer, (2) an electric conduction agent (3) and a lithium ion conductivity inorganic solid electrolyte (4). JP ‘643, Figure 1 & Paragraphs [0009-10]. Moreover, JP ‘643 teaches that it is “an indispensable condition to cover the front face of the particle...with a lithium ion conductivity polymer.” JP ‘643, Paragraphs [0011] (emphasis

added). As such, JP '643 teaches a three-part coating, which must include a lithium ion conductivity polymer.

In characterizing the coating of JP '643, the Examiner states that JP '643 teaches "coating lithium metal oxide base particles with a mixture of inorganic conducting material and an electron conducting material." Office Action, page 9. In doing so, the Examiner overlooks the "indispensable condition" of including a lithium ion conductivity polymer in the coating along with the electric conduction agent and the lithium ion conductivity solid electrolyte. As such, JP '643 teaches a three-part coating, which must include a lithium ion conductivity polymer. Therefore, the Examiner incorrectly characterizes JP '643 as teaching a coating that is only a mixture of inorganic conducting material and an electron conducting material.

The Examiner argues that it would have been obvious to modify the teachings of JP '643 by substituting the lithium ion conducting materials as taught by Yamaura, Takada or Mohwald for the lithium ion conducting material taught by JP '643. Even if this substitution is taught by JP '643, which applicant submits it is not, the combination fails to yield the same coating as required by the claims. Namely, the substitution of the lithium ion conducting materials for the ion conducting material of JP '643 still yields a three-part coating, whereas the claims clearly require a two-part coating. Thus, taken either singularly or in combination with each other, the above cited references fail to teach or even fairly suggest all the required elements of independent claim 1. Accordingly, claim 1 is patentable over the above cited references as is dependent claim 2 for at least the same reasons. As such, Applicant respectfully requests that the above rejection be withdrawn.

Claims 5 and 6 were rejected under under 35 U.S.C. § 103(a) as being unpatentable over P '643 in view of either Yamaura, Takada or Mohwald. Applicant respectfully traverses the above listed rejection.

Claim 5 requires a two component coating.

As discussed above, JP '643 teaches a three-part coating, which must include a lithium ion conductivity polymer. Thus, even if it would have been obvious to modify the teachings of JP '643 by substituting the lithium ion conducting materials as taught by Yamaura, Takada or Mohwald for the lithium ion conducting material taught by JP '643, which applicant submits it is not, the combination fails to yield the same coating as required by the claims. Namely, the substitution of the lithium ion conducting materials for the ion conducting material of JP '643 still yields a three-part coating, whereas the claims clearly require a two-part coating. Thus, taken either singularly or in combination with each other, the above cited references fail to teach or even fairly suggest all the required elements of independent claim 5. Accordingly, claim 5 is patentable over the above cited references as is dependent claim 6 for at least the same reasons.

As such, Applicant respectfully requests that the above rejection be withdrawn.

## **II. Conclusion**

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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